

**U.S. Department of the Interior  
Bureau of Land Management**

---

**Categorical Exclusion**

**PREPARING OFFICE**

U.S. Department of the Interior  
Bureau of Land Management





# **Categorical Exclusion**

Prepared by  
**U.S. Department of the Interior**  
**Bureau of Land Management**

,

This page intentionally  
left blank



# Table of Contents

<b>1. Categorical Exclusion: DOI-BLM_NV_L030-2015-0034 .....</b>	<b>1</b>
<b>Appendix A. Ely District Standard Stipulations for Operating in a Community Pit .....</b>	<b>7</b>

This page intentionally  
left blank

# **Chapter 1. Categorical Exclusion:**

## **DOI-BLM\_NV\_L030-2015-0034**

This page intentionally  
left blank

## **A. Background**

**BLM Office:**

LLNVL03000

**Lease/Serial/Case File No.:** NVN 094325

**Proposed Action Title/Type:** Panaca Community Pit — Mineral Materials

**Location of Proposed Action:** Panaca, Lincoln County, Nevada

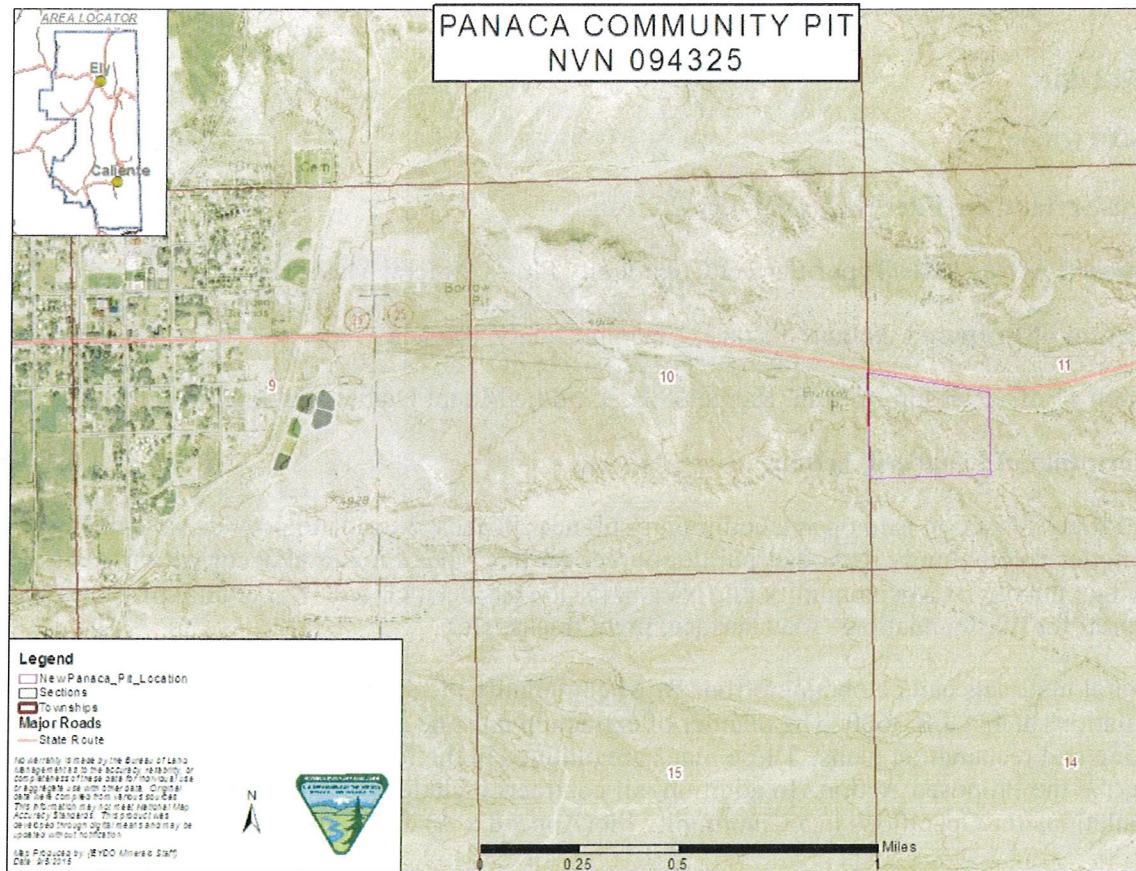
Section 11 of Township 2 South, Range 68 East, of the Mount Diablo Baseline Meridian

**Description of Proposed Action:**

The Proposed Action is to open a community pit near Panaca, Nevada to provide sand and gravel for the local community. No other public sources for this type of material occur within 10+ miles now that the old BLM community pit (NVN 045117) has been closed. The community uses this material for fill, foundations, road surface, pivot tracks, etc.

Mineral materials can be obtained from BLM community pits by contract according to the regulations at 43 CFR 3600. The manner of extraction must be consistent with the BLM approved mining and reclamation plans. These plans are outlined in the following paragraphs and further describe the Proposed Action. In addition, all contracts include the Ely District Standard Stipulations for Operations in a Community Pit (Appendix A) as Conditions of Approval.

The community pit will be composed of an access road and open pit. The disturbance will not exceed five acres. The exact location of this disturbance will be determined later, but it will fall within the boundary of the polygon shown in Figure 1.



The approximate pit location.

### Mining Plan

**Access:** From Panaca, head east on Hwy 319 for about 2 miles. The community pit entrance will be located on the south (right) side of the highway.

**Operations:** Mineral materials may be extracted using hand tools, non-motorized mechanized equipment, or heavy equipment. Minerals will be excavated through surface mining techniques. Material would be scooped off the surface and placed directly into haul trucks/ trailers or processed, stockpiled and removed later. Processing may include crushing, screening and/or washing. Material extraction would be conducted so that walls are sloped at no greater than 2(horizontal):1(vertical) during operations and no greater than 3:1 when operations for an individual contract are completed.

**Equipment:** The kinds of equipment that may be used are listed below

- pick and shovel
- wheel barrow or wagon
- tractor

- bobcat
- dozer
- loader
- crushers
- conveyors
- screens
- hoppers
- wash plant
- portable scales

**Removal or Stabilization of Buildings, Structures, and Facilities:** No buildings or permanent facilities are planned for this site. Fencing, signs and corner posts/monument would be installed where appropriate to identify and maintain the site.

**Topsoil:** Topsoil is not available at this site and will not be salvaged. The geologic material at the surface acts as a growth medium. Similar geologic materials are expected at depth, so the final pit's natural surface should act as growth medium for reclamation.

**Stability:** The work area consists of small hills and drainages with relief of less than 100 feet. The terrain is gently sloping in most areas but may be steeper on the hillslopes and banks of the drainages. The soil/surface materials may be loose and unstable. Banks along the drainage may also be unstable. Steep slopes (40% or greater grade) with loose material or large boulders create loose footings for walking and also may be prone to sliding or avalanches (even small slopes). Slopes with greater height usually have greater instability. Safety stipulations that must be followed in these areas include the following:

- Slopes no greater than 2:1 will occur during mining.
- When contracts are complete, the pit will be left with slopes no greater than 3:1
- Unstable slopes or dangerous site conditions should be reported to BLM by the operator.

**Water Management:** Water may be used for dust abatement or processing. The Caliente Field Office would be notified before any dust abatement begins. Water for dust control and processing would be obtained from a municipal source by the operator. In areas where roads or large disturbances are developed, Best Management Practices would be implemented, as needed to control stormwater and other environmental issues. The bottom elevation of the main drainages would not be altered during mining. Groundwater interaction is not anticipated during mining.

**Rock Characterization and Handling:** The mining would extract sand and gravel deposits from the surface. Processing of material may occur on site including the use of crushers, screens, conveyors, wash plants and similar equipment for sizing, sorting, and cleaning materials. Mining and processing are not expected to cause any toxic, deleterious, or other adverse effects from exposure of geologic material.

**Spill Contingency:** Fuel and petroleum products would not be stored on site. Vehicles and/or equipment that utilize these materials will be done in a way to prevent spills from occurring (i.e. secondary containment, drip pans, etc.). In the event of a leak or spill, the contaminated soil would be removed to a depth of 6 inches below the contaminated zone and disposed of properly (receipts from the disposal facility may be requested). Any spill in excess of 1 gallon would be reported to the BLM within 24hrs.

**Riparian Areas:** No riparian areas are present within the area proposed for the community pit.

**Noxious Weeds and Non-Native Invasive Species:** BLM would monitor for and document any occurrence of noxious or non-native invasive species in the community pit. Operators should also notify BLM if they discover any noxious or non-native invasive species in the pit or it's vicinity. BLM would mitigate these discoveries by spraying, pulling or other means of disposing of these plants.

**Schedule of Operations:** Operations would occur as individual contracts are issued. The frequency of contracts will vary and likely occur intermittently as the demand for material changes. However, most mining operations would take place during seasonably favorable conditions.

**Quality Assurance:** In addition to the standard terms and conditions and the Ely District Standard Stipulations (Appendix A), the following actions would be taken to prevent undue and unnecessary degradation to the public lands. Additional stipulations that must be followed include:

1. Compliance with 43 CFR 3600 regulations is required during operations.
2. The operator is responsible for compliance with all other applicable state and federal laws and regulations.
3. The operator is responsible for keeping an accurate account of material removed and this record shall be available for inspection. A summary of rock removal by date is required.
4. All trash, flagging, etc. shall be removed and disposed of in a legal manner.
5. Range improvements (fences, reservoirs, etc.) or land treatment projects (reclamation, or range monitoring sites) shall not be disturbed or altered without prior written approval of the AO.
6. Due care must be taken to safeguard all domestic animals and wildlife, in the vicinity of the operations. Measures to mitigate adverse effects on protected and/or threatened & endangered species will be determined by the AO after consultation with the proper authorities.
7. The operator will maintain slopes at no greater than 2:1 during mining.
8. Unstable slopes or dangerous site conditions will be reported to BLM by the operator.
9. Mining will not occur during wet conditions that cause rutting greater than 2 inches.
10. Operators will notify BLM if they discover any noxious or non-native invasive species in the pit or it's vicinity

**Monitoring Plan and Interim Management:** The site would be inspected upon termination of each contract to assess site conditions as a result of activities under the contract. Additionally,



the site would be inspected at least once a year per regulations. During any inspection, the AO would check for stability, public safety and health issues, erosional problems, noxious weeds, stormwater controls, and any other concerns. Should an issue arise, it would be handled according to BLM policy.

**Post Closure management:** When mining operations are ultimately complete, final reclamation would be conducted by the BLM. For a period of 5 years following final reclamation, the BLM would monitor the site to ensure stability and erosion are not a concern, the area has been satisfactorily vegetated, noxious weeds are not present, and no other issues exist. If problems are noted, they would be fixed and monitoring will continue until a time when it is deemed that the problem is solved and not likely to arise again. Monitoring would stop after 5 years if reclamation is complete and no problems or issues exist at that time.

### **Reclamation Plan**

**Regrading and Reshaping:** Mining techniques should provide for slopes to be recontoured to final reclamation standards (3 horizontal: 1 vertical) at the completion of each contract. Additional contouring may be needed occasionally and when the pit is to be closed which would blend the slopes to a more natural topography or to create slopes that are better designed for seeding, hydrology, or other factors. Recontouring would likely be completed with the use of heavy equipment such as a dozer, tractor, etc.

**Pit Backfill:** The pit would not be backfilled. Sides of the pit would be sloped during operations and reclamation.

**Removal or Stabilization of Buildings, Structures, and Facilities:** Fencing may remain until reclamation is deemed complete. However, all fencing would be removed before releasing reclamation on the site.

**Toxic or Deleterious Material Handling:** Toxic or deleterious materials would not be stored on site. Any spills would be cleaned up immediately by the operator during operations. Therefore, none should remain at the time of final reclamation.

**Riparian mitigation:** Riparian areas are not to be disturbed during mining and therefore should not need to be mitigated or reclaimed.

**Wildlife habitat rehabilitation:** Temporary loss of up to five acres of vegetation may occur as a result of this Proposed Action. Seeding of disturbed areas during final reclamation will return cover and habitat to the area.

**Revegetation:** The area will be seeded (broadcast) by a native seed mix approved by the BLM prior to seeding, as applicable.

## **B. Land Use Plan Conformance**

**Land Use Plan Name:** Ely District Record of Decision and Approved Resource Management Plan

**Date Approved/Amended:** August 2008

**The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):**

*Chapter 1 Categorical Exclusion: DOI-  
BLM\_NV\_L030-2015-0034  
B. Land Use Plan Conformance*

MIN 17: Open to mineral materials — Allow disposal of mineral materials on approximately 9.9 million acres of federal mineral estate, subject to best management practices (See Table 23 and Map 21).

MIN 18: Space mineral material sites appropriately to accommodate public and private needs while preserving environmental qualities.

### **C. Compliance with NEPA:**


The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9(F)(10), "Disposal of mineral materials, such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas."

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

I considered:

The Proposed Action occurs in a location that is open to mineral entry for mineral materials consistent with 43 CFR 3600 and the approved Ely Resource Management Plan. There is a strong demand for a community pit in this region and for this type of material to meet the needs of the local community. The proposed activities are consistent with Federal and state laws and are not likely to cause significant impacts.

### **D. Approval and Contact Information**



Christopher Carlton  
Caliente Field Manager

9-11-15-

Date

#### **Contact Person**

Carissa Shilling

Caliente Field Office  
PO Box 237  
Caliente, NV 89008  
(775) 726-8100

## **Appendix A. Ely District Standard Stipulations for Operating in a Community Pit**

1. Regulations for mineral materials appear in 43 CFR 3600. Information is available on the Ely District BLM web site at: <http://www.nv.blm.gov>, on the left side select District/Field Office/ Ely, then On Line Services, Regulations, General Mining Law or by calling the Caliente Field Office at (775) 726-8100.
2. The purchaser will possess a copy of the Mineral Material Sales Contract from the BLM and present it for examination upon the verbal request of the authorized officer or any of his agents.
3. Removal of mineral material and associated operations will be restricted to the disturbed area within existing pit boundaries. Any proposed excavations outside existing pit or to enlarge existing pit require prior written authorization with the Caliente Field Office Manager. Permission to open new excavations may or may not be granted at the discretion of the Caliente Field Office, Ely District.
4. All overhanging or vertical banks greater than 3 feet high will be reshaped to a 3:1 ratio before leaving pit area.
5. Removal of mineral material using explosives, front loaders or other heavy equipment requires a written Plan of Operation and written approval.
6. All vegetative clearing will be held to the minimum necessary to accommodate the planned operation. To provide for effective rehabilitation of the disturbed areas, all available growth medium, as practical, will be removed and stockpiled.
7. Spill kits will be available (provided by the proponent) onsite at all times. Spills will be cleaned up immediately and disposed of at an appropriate facility. Reporting of spills to BLM and EPA will follow regulatory standards.
8. All survey monuments, witness corners, and reference monuments must be protected against destruction, obliteration, or damage. Any damaged or obliterated markers must be reestablished in accordance with accepted survey practices at the expense of the permittee.
9. When antiquities or other objects of historical or scientific interest, including historic or prehistoric ruins, vertebrate fossils, or artifacts are discovered, they will be left intact and immediately brought to the attention of the Caliente Field Manager or representative.
10. If human remains are inadvertently discovered during project operations, all operations shall cease and the Caliente Field Manager or their representative will be notified immediately.
11. Operator shall make every effort to prevent, control or suppress any fire in the operating area. Reports of uncontrolled fires will be relayed immediately to the Caliente Field Office at (775) 726-8100 or the Lincoln County Sheriff's office at (775) 962-5151.

*Appendix A Ely District Standard Stipulations  
for Operating in a Community Pit*

12. All Federal, State, and local air quality standards will be adhered to while conduction operations in the pit area. In the case of large operations, operating permits may be required by the State of Nevada. Dust abatement measures may be required for large operations.
13. All trash, garbage, debris and foreign matter must be removed and properly disposed. Site must be maintained and left in a clean and safe condition.
14. Use only existing roads and trails.

**I have read and agree to comply with these stipulations as part of the attached contract.**

\_\_\_\_\_ Signature

\_\_\_\_\_ Date

**U.S. Department of the Interior  
Bureau of Land Management**

---

**Extraordinary Circumstances Documentation  
[Panaca Community Pit]**

**PREPARING OFFICE**

U.S. Department of the Interior  
Bureau of Land Management





# **Extraordinary Circumstances Documentation [Panaca Community Pit]**

Prepared by  
**U.S. Department of the Interior  
Bureau of Land Management**

,

This page intentionally  
left blank



# Table of Contents

**1. Categorical Exclusion Rationale ..... 1**

This page intentionally  
left blank

# **Chapter 1. Categorical Exclusion Rationale**

This page intentionally  
left blank

CX Number:	DOI-BLM-NV-L030-2015-0034
Date:	September 1, 2015
Lease/Case File/ Serial Number:	NVN 094325
Regulatory Authority (CFR or Law):	43 CFR 3600

The following block would be inside instruction tags and not be printed or visible in the final document

NEPA Guidance: Answers to the Extraordinary Circumstances questions below will affect the level of NEPA required for this project. If any of the extraordinary circumstances are applicable to the action being considered, either an EA or EIS must be prepared for the action.

## Section 1.1 Impacts on Public Health and Safety

1. Does the proposed action have significant impacts on public health and safety?		
YES	NO	REVIEWER/TITLE
	X	Nick Pay

**Rationale:** The Proposed Action requires mitigation measures as Conditions of Approval to prevent any potential public health and safety issues. Therefore, the Proposed Action is not expected to have significant impacts on public health and safety.

## Section 1.2 Impacts on Natural Resources or Unique Geographic Characteristics

2. Does the proposed action have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?		
YES	NO	REVIEWER/TITLE
	X	Todd Trapp/Wildlife Biologist and Nick Pay/Planning and Environmental Coordinator-Archaeologist

**Rationale:** The proposed project area is not on or within any specially-designated lands or ecologically significant areas, nor does the project area contain prime farmland. The project area is traversed by a dry desert wash, but is not within a floodplain and does not contain any wetland or riparian habitats. The proposed action would result in the removal of alluvial sand and gravel deposits, but would not affect sole or principle drinking water aquifers. The project area is adjacent to Nevada State Highway 319 and it is anticipated that additional noise from the proposed action would have a negligible impact to migratory birds. The proposed action may create habitat for nesting bank swallows (*Riparia riparia*), which could subsequently be disturbed by removal of sand and gravel deposits, however no population-level effects are anticipated. Impacts to other migratory bird species would be negligible. All cultural resources will be avoided, therefore, no impacts will occur to cultural resources.

## Section 1.3 Level of Controversy

3. Does the proposed action have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
YES	NO	REVIEWER/TITLE
	X	Nick Pay/Planning and Environmental Coordinator-Archaeologist

**Rationale:** Several other BLM community pits have been designated in the Caliente Field Office without causing controversy over environmental effects. The environmental conditions at this site are similar enough to other community pits within the Field Office, that it is not expected to have highly controversial environmental effects.

## Section 1.4 Highly Uncertain or Unique or Unknown Environmental Risks

4. Does the proposed action have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
YES	NO	REVIEWER/TITLE
	X	Nick Pay/Planning and Environmental Coordinator-Archaeologist

**Rationale:** Several other BLM community pits have been designated in the Caliente Field Office without causing significant environmental effects. The environmental conditions at this site are similar enough to other community pits within the Field Office, that it is not expected to have highly uncertain or potentially significant environmental effects.

## Section 1.5 Precedent Setting

5. Does the proposed action establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
YES	NO	REVIEWER/TITLE
	X	Nick Pay/Planning and Environmental Coordinator-Archaeologist

**Rationale:** The designation of community pits has been authorized under 43 CFR 3604 and has been implemented numerous times in BLM history. The Proposed Action complies with these regulations and policy. Therefore, the Proposed Action is not expected to set a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

## Section 1.6 Cumulatively Significant Effects

6. Does the proposed action have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
YES	NO	REVIEWER/TITLE
	X	Nick Pay/Planning and Environmental Coordinator-Archaeologist

**Rationale:** A community pit for the Panaca area existed from 1980s until 2015. This pit is approximately 7–10 acres and occurs less than a mile away. The pit is being closed and reclaimed before the new pit is opened. The new pit (Proposed Action) is smaller in size and replaces the old disturbance. Therefore the Proposed Action is not expected to have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.

## Section 1.7 Impacts on Cultural Properties

7. Does the proposed action have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?		
YES	NO	REVIEWER/TITLE
	X	Nick Pay/Planning and Environmental Coordinator-Archaeologist

**Rationale:** All cultural resources will be avoided. No cultural resources will be impacted by this project.

## Section 1.8 Impacts on Federally Listed Species or Critical Habitat

8. Does the proposed action have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		
YES	NO	REVIEWER/TITLE
	X	Todd Trapp/Wildlife Biologist

**Rationale:** Federally listed threatened and endangered species are not known to occur in the proposed project area, nor is the area designated critical habitat for any threatened or endangered species. The project area is in greater sage-grouse (*Centrocercus urophasianus*) preliminary general habitat, however there is currently no greater sage-grouse occupancy of the project area. The greater sage-grouse is a candidate for listing under the Endangered Species Act. The nearest preliminary priority habitat is 16.5 miles north and the nearest known lek is 19.5 miles north of the project area. Per Bureau of Land Management (BLM) Instruction Memorandum NV-2014-022, interim guidance for proposed activities within greater sage-grouse habitat, consultation was conducted with the Nevada Department of Wildlife and reviewed by the BLM Nevada State Office. The Nevada State Office authorized this project to proceed.

## Section 1.9 Compliance With Laws

9. Does the proposed action violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
YES	NO	REVIEWER/TITLE
	X	Nick Pay/Planning and Environmental Coordinator-Archaeologist

**Rationale:** The Proposed action is believed to be in compliance with all Federal, State, local, and tribal laws or requirements imposed for the protection of the environment.

## Section 1.10 Environmental Justice

10. Does the proposed action have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
YES	NO	REVIEWER/TITLE
	X	Nick Pay/Planning and Environmental Coordinator-Archaeologist

**Rationale:** Low income or minority populations do not occur in proximity to the Proposed Action. Therefore, the action should not have a disproportionately high and adverse effect on low income or minority populations.

## Section 1.11 Indian Sacred Sites

11. Does the proposed action limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		
YES	NO	REVIEWER/TITLE
	X	Nick Pay/Planning and Environmental Coordinator-Archaeologist

**Rationale:** No known ceremonial or sacred sites occur in the project area. The Proposed Action does not limit public access. Therefore, the Proposed Action is not expected to significantly adversely effect the physical integrity of such sacred sites.

## Section 1.12 Noxious and Non-Native Invasive Species

12. Does the proposed action contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		
YES	NO	REVIEWER/TITLE
	X	Cameron Boyce/Natural Resource Specialist

### Rationale:

Noxious weeds and non-native invasive species must be mitigated under the Conditions of Approval for any contracts issued as a result of this Proposed Action. Therefore, it is not likely to have an affect on noxious or non-native invasive species

## Section 1.2 Preparer Information

Cassia D. Stalling  
PREPARER/TITLE

Geologist  
TITLE

9/11/2015  
DATE